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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,205

02/13/2006

Leo Gustaaf Joanna Emiel Marien

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

RALEIGH, DONALD L

ART UNIT

PAPER NUMBER

2879

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,205	<b>Applicant(s)</b> MARIEN ET AL.	
	<b>Examiner</b> DONALD L. RALEIGH	<b>Art Unit</b> 2879	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/25/2007, 02/13/2006</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5 are rejected under 35 U.S.C.102(b) as being anticipated by Cottaar et al (US Patent No. 5,510,676).

Regarding Claim 1, Cottaar discloses at least in Figures 1 and 2, a high-pressure discharge lamp (Column 3, lines 63-65) comprising: an outer envelope (10)(Column 4, line 2) in which a discharge vessel (20)(Col.3, line 65) is arranged around a longitudinal axis (see Fig.1) , the discharge vessel (20) enclosing, in a gastight manner (abstract, line 3) , a discharge space (the inside of (20), see Figure 2) provided with an ionizable filling (Col.4, lines 25-27, sodium and mercury), the discharge vessel (20) having a first and a second mutually opposed neck-shaped portion (21a and 21b) through which a first (40a) and a second (40b) current-supply conductor, respectively, extend to a pair of electrodes (30a and 30b) arranged in the discharge space (see Figure 2) , the outer envelope (10) having a bulb-shaped portion (see Figure 1) adjacent the discharge space (of (20)), the bulb-shaped portion having a wall thickness  $d_1$ , the

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remainder of the outer envelope having a wall thickness  $d_2$ , the ratio of  $d_1$  and  $d_2$  being in a

range of:  $0.35 \leq \frac{d_1}{d_2} \leq 1.5$ .

(In the above equation,  $d_1=d_2$  also satisfies the equation. In Figure 1 of Cottaar, the outer envelope is bulb shaped but the part directly opposite the discharge is straight and that straight part extends past the discharge vessel. The Figure suggests that since this area is straight that the thickness is uniform, i.e.  $d_1=d_2$ ).

Regarding Claim 5, Cottaar discloses, (Column 1, lines 7-8), a high-pressure discharge lamp, characterized in that the discharge vessel has a ceramic wall.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 are rejected under 35 U.S.C.103(a) as being unpatentable over Cottaar in view of Hassink et al (US Patent No. 5,719,463).

Regarding Claim 3, Cottaar fails to exemplify the limitation that the outer envelope is made from quartz glass, hard glass or soft glass.

In the same field of endeavor, Hassink teaches, at least in Figure 1 and Column 3, lines 13-15, an outer envelope that made of hard glass to absorb the energy created during the rupture of the arc tube (Column 1, lines 39-46).

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It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply the teachings of Hassink to Cottaar and provide an outer envelope made of hard glass to absorb the energy created during the rupture of the arc tube (Column 1, lines 39-46).

Regarding Claim 4, Cottaar discloses a high pressure discharge lamp provided with an outer envelope. In regards to the recitation "is formed in a mold", it is noticed that the recitation is directed to the method of manufacturing the outer envelope, in view of an absent of a showing that the method imparts distinctive structural characteristics to the final product, the limitations directed to the method of manufacturing are not germane to the issue of patentability of the device. Moreover, Hassink acknowledges, at least in Figure 1 and Column 3, lines 13-15, an outer envelope (10) of a high pressure discharge lamp (Col.1, lines 3-4), that is blow molded of hard glass.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cottaar in view of Rutan et al (US Patent No. 5,838,104).

Regarding Claim 6, Cottaar fails to exemplify the limitation that the high-pressure discharge lamp is characterized in that the ratio of the distance  $d_e$  between the electrodes to the height  $h_{dl}$  of the high- pressure discharge lamp measured along the longitudinal axis lies in a range of:

$$0.02 \leq \frac{d_e}{h_{dl}} \leq 0.2$$

In the same field of endeavor, Rutan teaches, at least in Figure 2, a high pressure discharge lamp (Column 7, lines 40-48), provided with an outer tube length ( $h_{dl}$ ) of 133 mm; and an arc length (distance between electrodes ( $d_e$ )) of 23mm in a nominal 95 watt bulb.

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Incorporating these values into the equation gives,  $0.02 \leq \frac{de}{hdl} = 23/133 = .173 \leq 0.2$ .

Thus, satisfying the claimed range.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to apply the teachings of Rutan to Cottaar and provide the above relationships because these are the dimensions found in a nominal 95 watt bulb (col.7, lines 40-48).

### ***Allowable Subject Matter***

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding Claim 2, the Prior Art of Record does not disclose or suggest a high-pressure discharge lamp in that the ratio of  $d_1$  and  $d_2$  is in a range of:  $0.4 \leq \frac{d_1}{d_2} \leq 0.8$  where  $d_1$  is thickness of the wall of the outer bulb shaped portion and  $d_2$  is the thickness of the wall of the remainder of the outer envelope.

### ***Conclusion***

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONALD L. RALEIGH whose telephone number is (571)270-3407. The examiner can normally be reached on Monday-Friday 7:30AM to 5:00PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald L Raleigh/  
Examiner, Art Unit 2879

/Mariceli Santiago/  
Primary Examiner, Art Unit 2879